

REMARKS

The last Office Action has been carefully considered.

It is noted that claims 1-8 and 11 are rejected under 35 U.S.C. 102(b) over the patent to Patel.

Claims 1, 9 and 10 are rejected under 35 U.S.C. 102(b) over the patent to Lancaster.

At the same time, the Examiner indicated that there are features which applicant relied, which however were not recited in the rejected claims.

With the present Amendment applicant canceled some dependent claims and amended claim 1, the broadest claim on file, so as to more clearly distinguish the present invention from the prior art, actually based on the Examiner's suggestion at the end of the Office Action.

Claim 1 as amended specifically defines that the locking member 42 is movable between the locked position and the unlocked

position depending on the position of the carriage (whether approximately horizontal or not approximately horizontal), and also that the locking member moves in the hole of the carriage to engage or not to engage the housing. Claim 12 has been added which depends on claim 11 and further defines that the locking member is formed as a bolt which is movable in the hole of the carriage and engageable into the opening of the housing.

It is respectfully submitted that the new features of the present invention which are now defined in claim 1 are not disclosed in the references and can not be derived from them as a matter of obviousness.

The patent to Patel applied by the Examiner discloses a holding device for a beverage container that can be installed in an arm rest. The Examiner's analysis of this reference clearly shows that it has a carriage guidable as a drawer, guide means and a gravity locking device. However, this reference does not disclose such a gravity locking device which has a locking member movable slantingly between a locked position and an unlocked position, wherein in the unlocked position it is located in a hole of the carriage without engaging the housing, while in the locked position it slides out of the hole of the carriage into an opening of the housing to engage the housing and to prevent the displacement of the carriage relative

to the housing. This reference also does not disclose a locking member which is formed as a bolt located in the hole of the carriage and movable slightly out of it to engage in the opening of the housing.

It is therefore believed that this reference taken singly does not teach the new features of the present invention as defined in the amended claim 1.

The patent to Lancaster discloses holding device for a beverage container, which also does not teach the above mentioned features of the present invention which are now defined in the amended claim 1. It is therefore believed that this reference also does not teach the new features of the present invention which are now defined in the amended claim 1. Also, the features which are now defined in the dependent claim 12 are also not disclosed in this reference and can not be derived from it as a matter of obviousness.

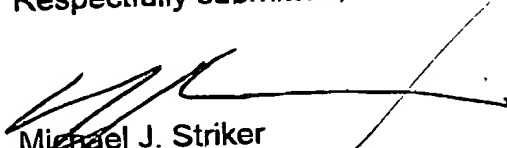
In view of the above presented remarks and amendments, it is believed that claims 1 and 12 should be considered as patentably distinguishing over the art and should be allowed.

As for the dependent claims, these claims depend on claim 1, they share its presumably allowable features, and therefore it is respectfully submitted that they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



Michael J. Striker  
Attorney for Applicants  
Reg. No. 27233